

No. 2238-Agr I(I)-71/ .—On the recommendation of the Haryana Public Service Commission, the Governor of Haryana is pleased to appoint temporarily, by direct recruitment, Shri Megh Raj Gakhar, Section Officer (Mechanical) of the Irrigation Department (since working as Assistant Agricultural Engineer (Farm Machinery and Boring) on *ad hoc* basis) as Assistant Agricultural Engineer (Farm Machinery and Boring), Hissar, in HAS Class II, with effect from the 6th June, 1970 (forenoon).

SHER JANG SINGH, Secy.

ANIMAL HUSBANDRY DEPARTMENT

The 4th May, 1971

No. 10553-FAH (III)-70/6620.—The Governor of Haryana is pleased to appoint temporarily Sarvshri Surrinder Nath Sharma, Veterinary Assistant Surgeon Incharge Artificial Insemination Centre, Thanesar and Tek Chand Ahlawat, Veterinary Assistant Surgeon Incharge Civil Veterinary Hospital, Narwana, by direct recruitment through the Haryana Public Service Commission to the posts of Assistant Director, Key Village Scheme, Rohtak and Officer Incharge Centralised Semen Collection Station, Jind in H.V.S. II in the scale of Rs 350—25—500/30—590/30—830/35—900, with effect from 4th July, 1970 and 10th July, 1970, respectively.

(Sd.) . . . , Secy.

IRRIGATION AND POWER DEPARTMENT

The 1st May, 1971

No. 3218-2PWII-71/10788.—In continuation of Haryana Government Notification No. 6753-FWII(2)-70/35783, dated the 21st December, 1970, the Governor of Haryana is pleased to order that during the period of his re-employment as Chairman of Haryana State Electricity Board, for two years from 18th August, 1971 to 17th August, 1973, the emoluments of Shri P. N. Sahni shall be regulated in accordance with the provision under rule 5(a)(ii) of the Punjab State Electricity Board Rules, 1959.

B. S. GREWAL,

Financial Commissioner and Secy.

CHIEF ENGINEER, HARYANA,

P. W. D., PUBLIC HEALTH BRANCH.

CHANDIGARH

The 3rd May, 1971

No. 6-71/PH/EI-12346.—Shri Des Raj Kapoor on his appointment as Sub-Divisional Engineer on *ad hoc* basis for a period of six months assumed charge of the Planning and Investigation Public Health Sub-Division, Hissar with effect from 26th March, 1971 (forenoon).

No. 5-71/PH/EI-12369.—Shri Bhagwan Singh on his appointment as Sub-Divisional Engineer on *ad hoc* basis for a period of six months assumed charge of the Planning and Investigation Public Health Sub-Division, Karnal with effect from 11th March, 1971 (forenoon).

J. L. SETHI,

Chief Engineer, Haryana,
P. W. D., Public Health Branch, Chandigarh.

LABOUR DEPARTMENT

The 26th April, 1971

No. 3975-ILab-70/12673.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Bags and Cartons (India), Gurgaon.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 207 of 1970

between

SHRI ALGU RAM WORKMAN THROUGH THE GENERAL SECRETARY, GURGAON FACTORY
WORKERS UNION, 214, FOUR MARLA, GURGAON CANTT. AND THE MANAGEMENT
OF M/S BAGS AND CARTONS (INDIA), GURGAON

Present .—

Shri Shardha Nand, for the workman.
Shri D. C. Chadha, for the management.

AWARD

The Governor of Haryana in exercise of the powers conferred on him by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 has been pleased to refer the following industrial dispute to this Court for adjudication,—*vide* Gazette Notification No. ID/GG/74D-70/38569, dated 19th November, 1970 :—

Whether the termination of services of Shri Algu Ram was justified and in order ? If not, to what relief is he entitled ?

On receipt of the reference usual notices were issued to the parties for 28th January, 1971. On the date fixed Shri Shardha Nand was present on behalf of the workman but nobody was present on behalf of the management. Since the notice had not been sent to the management under registered cover, it was ordered that a fresh notice be issued to the management under registered cover acknowledgement due for 9th March, 1971.

It, however, appears that Shri D. C. Chadha, Secretary of the Commercial and Industrial Employers Association, Delhi had been authorised by the management to represent them in this Court and Shri D. C. Chadha appeared sometimes in the later part of the day and filed his letter of authority and received a copy of the claim statement and also noted the next date fixed under his signature. This date was changed to 11th March, 1971. On the date fixed Shri Chadha was present and made a statement that he had no instructions from the management. Accordingly the evidence of the workman was recorded. After the evidence had been recorded Shri Shiv Kumar, Manager of the respondent concern appeared at 12-50 Noon and filed an application for setting aside the proceedings already taken in the case and it was prayed that the management may be permitted to contest the case. In the application it is alleged that the tyre of the rickshaw in which the manager was coming to attend the Court burst at a distance of about 100 yards from the factory premises and the manager had to send for another rickshaw and, therefore, reached the Court late. It is stated that the absence of the Manager was accidental and due to circumstances beyond his power and control. The application is supported by an affidavit.

In my opinion it is not possible to accept the application of the management to set aside the proceedings already taken in this case. It must be noted that the *ex parte* proceedings have not been taken in this case. A duly authorised representative of the management was present when the case was called for hearing. The management simply did not bother to give proper instructions to their representative. It must also be noted that although the representative of the management had received the copy of the claim statement on 28th January, 1971 and was also informed of the next date fixed in the case, yet the management did not even bother to prepare their written statement for a period of almost a month and a half. If the management were serious to contest the case they should have contacted their representative well in time and given him instructions. It appears that the management were not at all keen to contest this case because they did not even contact their representative who was thus helpless and was unable to effectively defend the case. Since the representative of the management had no instructions and the workman was present it was not considered necessary to adjourn the case any further because the workman was ready with his evidence in support of his case. Accordingly the evidence of the workman was recorded. Under these circumstances it is not legally permissible to set aside the proceedings taken in accordance with the law even if the manager of the respondent concern was unable to attend the Court in time for reasons beyond his control.

The workman in his evidence has stated that he has been in the service of the respondent concern from the last 10 years and was getting Rs 185 per mensem. He says that in May, 1970, he went home on 3 days' leave and on his return he made a request through the Union that the bonus due to him for the year 1968-69 be paid to him but the management got annoyed with him as to why he had approached them through the Union. The workman states that the management also felt that he (the workman) was instigating the other workers also and for this reason terminated his services with effect from 10th June, 1970. It is stated that the management did not give him any charge-sheet nor did they hold any enquiry. He further says that he is unemployed since the wrongful termination of his services.

In view of the evidence of the workman which is on oath and to which there is no rebuttal, I am of the opinion that the termination of his services was not justified and in order and he is entitled to be re-instated with continuity of service and full back wages. I give my award accordingly. No order as to costs.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Dated 16th April, 1971

No. 704, dated Rohtak, the 16th April, 1971.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 3980-1Lab-70/12757.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Vankateshwara Rolling Mills, Ballabgarh.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 145 of 1970

between

SHRI HARCHARAN SINGH, C/O GENERAL SECRETARY, GENERAL ENGINEERING MAZDOOR UNION, I-A/90, FARIDABAD AND THE MANAGEMENT OF M/S VANKATESHWARA ROLLING MILLS, BALLABGARH

Present :—

Shri Amar Singh, for the workman.

Nemo, for the management.

AWARD

Shri Harcharan Singh was in the service of M/s Vankateshwar Rolling Mills, Ballabgarh. His services were terminated and this gave rise to an industrial dispute. Accordingly the Governor of Haryana, in exercise of the power conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication, vide Gazette Notification No. ID/FD/546-A/26070, dated 31st August, 1970.

"Whether the termination of services of Shri Harcharan Singh was justified and in order? If not, to what relief is he entitled?"

On receipt of the reference usual notices were issued to the parties by my learned predecessor Shri O. P. Sharma but nobody appeared on behalf of the management on 9th November, 1970 in spite of personal service. My learned predecessor, therefore, called upon the workman to produce *ex-parte* evidence in support of his claim on 26th November, 1970. In view of the appointment of Shri Sharma as Presiding Officer of the Industrial Tribunal, this case could not be taken up on the date fixed and although Shri Sharma had already ordered for *ex-parte* proceedings still registered notice was again issued to the management for the next date fixed but still nobody appeared on their behalf. The evidence of the workman was recorded. Shri Harcharan Singh workman has appeared as his own witness and was stated that he joined the respondent concern as a fitter on 4th October, 1969 and was being paid Rs 220 per mensem. He further stated that his appointment was on permanent basis and the management terminated his services on 10th May, 1970 without giving him any charge sheet or holding any enquiry and the management appointed another man in his place whose name is Shri Asha Singh. The workman has also stated that he had served a notice of demand on the management on 26th May, 1970 but no effect and that he is unemployed since his wrongful termination.

In view of the sworn testimony of the workman to which there is no rebuttal, I hold that the termination of services of the workman was not justified and in order and is entitled to be re-instated with continuity of service and full back wages. I give my award accordingly. No order as to costs.

Dated the 16th April, 1971

P. N. THUKRAL,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 706, dated Rohtak, the 16th April, 1971.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 3984-1Lab-70/12759.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Bansal Paper Mills, Industrial Area, Bahadurgarh, (Haryana).

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 177 of 1970

between

Shri Balbir Singh workman, C/o Bahadurgarh Potteries and General Labour Union, Bahadurgarh and the management of M/s Bansal Paper Mills, Industrial Area, Bahadurgarh, (Haryana).

Present.—

Shri Rajinder Singh, for the workman.
Shri Murari Lal, for the management.

AWARD

The Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, has been pleased to refer the following dispute to this Court for adjudication *vide*,—Gazette Notification No. ID/RK/175-A/70/29811, dated 23rd September, 1970.

“Whether the termination of services of Shri Balbir Singh was justified and in order. If not, to what relief is he entitled ?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed their written statement. The only issue which arose from the pleadings of the parties is precisely the same as in the order of reference. The case was adjourned to 29th March, 1971 for evidence. On the date fixed the representative of the workman has made a statement that the workmen had settled his dispute in full and final settlement and he had received Rs. 175 in all. The workman is now not entitled to any relief. I give my award accordingly.

No order as to costs.

Dated: 16th April, 1971

P.N. THUKRAL,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 700, dated Rohtak, the 16th April, 1971

Forwarded (four copies) to the Secretary to the Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

B. L. AHUJA,
Commissioner for Labour and Employment
and Secy.